

U.S. Application No. 09/868,176
Attorney Docket No. 72167.000310

Remarks

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The pending Office Action has been reviewed and its contents carefully considered. Claims 1-41 are pending in the present application. By this amendment, claim 41 is added and claim 22 is amended (to correct a dependency related deficiency).

No new matter has been added by this Amendment.

A. The 35 U.S.C. 102 Rejection

In the Office Action, claims 1-40 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Kolling et al (hereinafter Kolling U.S. 5, 920, 847).

Applicant respectfully traverses the rejection and requests withdrawal of the same.

The Office Action sets forth the rejection of claim 1 on page 2. The Office Action asserts that as per claim 1, Kolling discloses a method of processing payment transactions by a financial institution having a plurality of branches, each payment transaction having a destination bank and each payment transaction being capable of being forwarded through a plurality of clearing systems, the method comprising the steps of transmitting the payment transactions from the plurality of branches to a central location within the financial institution; determining, for each payment transaction, an appropriate clearing system which to forward the payment transaction; and forwarding each payment transaction to the determined appropriate clearing system. (note abstract and see column 9 lines 23-38 and column 31 lines 11-53 and column 40 lines 39-67 and column 41 lines 1-67). Applicant traverses these assertions set forth in the Office Action.

In the Abstract, Kolling describes a bill pay system wherein participating consumers pay bills to participating billers through a payment network operating according to preset rules. The participating consumers receive bills from participating billers

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(paper/mail bills, e-mail notices, implied bills for automatic debits) which indicate an amount, and a unique biller identification number. To authorize a remittance, a consumer transmits to its participating bank a bill pay order indicating a payment date, a payment amount, the consumer's account number with the biller, a source of funds and the biller's biller identification number, either directly or by reference to static data containing those data elements. Kolling teaches that Bank C then submits a payment message to a payment network, and the payment network, which assigns the biller reference numbers, forwards the payment message to the biller's bank. For settlement, the consumer's bank debits the consumer's account and is obligated to a net position with the payment network; likewise, the biller's bank receives a net position from the payment network and credits the biller's bank account.

Applicant has reviewed the Office Action comments and the teachings of Kolling vis-à-vis claim 1. For the reasons set forth below, Applicant respectfully submits that Kolling fails to teach the claimed invention.

In the Office Action, the Examiner cites to various portions of Kolling as allegedly teaching the claimed invention. Claim 1 recites:

A method of processing payment transactions by a financial institution having a plurality of branches, each payment transaction having a destination bank and each payment transaction being capable of being forwarded through a plurality of clearing systems, the method comprising the steps of:

transmitting the payment transactions from the plurality of branches to a central location within the financial institution;

determining, for each payment transaction, an appropriate clearing system which to forward the payment transaction; and

forwarding each payment transaction to the determined appropriate clearing system.

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In particular, claim 1 recites a method of processing payment transactions **by a financial institution**. Kolling fails to teach such method of claim 1, performed by a financial institution, including the feature of "determining, for each payment transaction, an appropriate clearing system which to forward the payment transaction". By such language, claim 1 clearly sets forth a decision process, i.e., to determine which is the appropriate clearing system. This decision process is performed for each payment transaction. Applicant has reviewed Kolling for such teachings, and in particular has reviewed the various teachings cited in the rejection of claim 1, as set forth in the Office Action. Applicant submits that Kolling fails to teach such decision process.

For example, in column 9, lines 23-37, which is part of the Background of the Invention, Kolling describes:

In a second variation, instead of a check from Bank C cleared through Bank S to credit S's account 70, **S has Bank S submit a debit to C's account 22** through the Automated Clearing House ("ACH") (see FIG. 3 and accompanying text). In a third variation, in place of arrows 12-17, ("check and list"), **S may send A/R data and a credit to biller B** through one path of: i) Bank S to ACH to Bank B to biller B or ii) MasterCard's RPS (Remittance Processing System) to Bank B to biller B. As used here, the RPS is merely an alternative to the ACH. Alternatively, **S may send** the A/R data via a separate electronic data interchange to biller B and forward the payment amount via the ACH or RPS mechanisms. In a fourth variation, a combination of the second and third variations, **S sends** simultaneous ACH transactions (debit account 22 and credit account 26).

In such disclosure of Kolling, Kolling fails to teach the decisioning process as set forth in claim 1, i.e., the feature of "determining, for each payment transaction, an appropriate clearing system which to forward the payment transaction". There is simply no such decisioning in Kolling so as to teach such claimed features.

Applicant also notes the disclosure of Kolling in column 31, lines 11-53, as cited in the Office Action. Therein, Kolling describes:

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... To pay a bill, **consumer 502A sends a bill pay order to processor 506A**. In response to the received bill pay order, processor 506A sends a payment authorization request through system 508 addressed to the consumer's bank. A consumer can use many different types of accounts as the source of funds, but only DDA's are shown explicitly in FIG. 14. Consumer 502A either uses an account at a bank 510A which is directly connected to network 508 or a bank 510B which is only connected through another intervening network such as an ATM network 512. If an account at bank 510A is used, the payment authorization request is received by bank 510A from network 508.

However, Applicant submits that such features of Kolling, as described in column 31 fails to teach the particulars of claim 1. Kolling fails to teach: transmitting the payment transactions from the plurality of branches to a central location within the financial institution; determining, for each payment transaction, an appropriate clearing system which to forward the payment transaction; and forwarding each payment transaction to the determined appropriate clearing system. Kolling fails to teach the decisioning to determine the appropriate clearing system vis-à-vis each payment transaction, as recited in claim 1.

Applicant respectfully submits that the applied art fails to teach or suggest the features of claim 1 for at least the reasons set forth above. Further, independent claims 10, 25, and 26 are allowable at least for some of the reasons similar to those discussed above with respect to claim 1.

For example, claim 25 recites the features of:

for each payment transaction, determine an appropriate clearing system
which to forward the payment transaction by:

(a) identifying, for each payment transaction, candidate clearing
systems which could be used to forward the payment transaction to the destination
bank,

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(b) verifying that a first candidate clearing system is available for use,
and

(c) verifying that a processing of the payment transaction does not
exceed a predetermined value limit; and forwarding each payment transaction to
the determined appropriate clearing system.

In particular, Kolling fails to teach such processing for *each* payment transaction,
including identifying the candidate clearing systems, i.e., identifying more than one
candidate system for each payment transaction.

The various dependent claims recite patentable subject matter at least for their
various dependencies on the independent claims, as well as for the additional subject
matter recited in such dependent claims. The Examiner is requested to further consider the
various dependent claims.

For example, dependent claim 11 recites sequentially repeating steps (of claim 10)
for other candidate clearing systems until one of the other candidate clearing systems
satisfies the verification steps; and forwarding the payment transaction to the one other
candidate clearing system. The Office Action asserts that Kolling teaches such features,
citing to the same sections of Kolling as were relied upon in the rejection of claim 1.
However, Applicant submits that Kolling fails to teach such sequential processing. The
Examiner is requested to clarify which portion of Kolling allegedly teaches such claimed
features.

Also, claim 13 recites features relating to "prioritizing" the candidate clearing
systems. The Office Action again cites to the same sections of Kolling as relied upon in

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the rejection of claim 1. However, Kolling appears fully deficient in teaching such claimed features. Clarification is requested as to where Kolling allegedly teaches such claimed features.

Withdrawal of the 35 U.S.C. §102 rejection based on the applied art is respectfully requested.

B. Conclusion

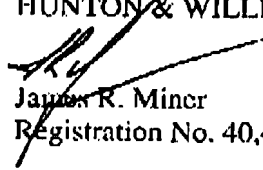
For at least the reasons outlined above, Applicant respectfully asserts that the application is in condition for allowance. Favorable reconsideration and allowance of the claims are respectfully solicited.

For any fees due in connection with filing this Response the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0206.

Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Dated: Aug. 16, 2007

Respectfully submitted,
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